

AMENDED IN ASSEMBLY APRIL 27, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2990

Introduced by Assembly Member Levine

February 24, 2006

~~An act to amend Section 1584 of the Health and Safety Code to add Chapter 9.5 (commencing with Section 9625) to Division 8.5 of the Welfare and Institutions Code, relating to adult day health care.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2990, as amended, Levine. ~~Adult day health care~~ Senior centers: emergency evacuation operations plans.

Existing law establishes the Multipurpose Senior Services Program, administered through the California Department of Aging, to provide specified services to frail elderly individuals 65 years of age and older who are certifiable for placement in a nursing facility. Under existing law, the department contracts with nonprofit organizations and local public entities for the establishment of Multipurpose Senior Services Program sites.

Existing law also provides for the Senior Center Bond Act Fund, which is administered through the department and provides funds to public or private nonprofit agencies for, among other things, the purpose of expanding senior center programs, and purchasing and acquiring equipment.

This bill would require multipurpose senior centers and senior centers to develop an emergency evacuation plan that meets specified criteria, no later than January 15, 2007.

~~Existing law provides for the licensing and regulation of adult day health care centers by the California Department of Aging and the State Department of Health Services. Existing law provides that any person who negligently, repeatedly, or willfully violates the provisions regulating adult day health care centers is guilty of a crime.~~

~~Existing law requires adult day health care centers to provide staff training regarding specified security devices and procedures, including emergency evacuation procedures for persons with dementia.~~

~~This bill would, in addition, require an adult day health care center to maintain an emergency evacuation plan, including an alternative location where participants may be safely housed if the center becomes uninhabitable. By creating a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.5 (commencing with Section 9625) is
2 added to Division 8.5 of the Welfare and Institutions Code, to
3 read:

4
5 CHAPTER 9.5. MULTIPURPOSE SENIOR CENTERS AND SENIOR
6 CENTERS EMERGENCY OPERATIONS PLAN

7
8 9625. (a) No later than January 15, 2007, multipurpose
9 senior centers and senior centers, as defined in subdivisions (j)
10 and (n) of Section 9591, shall develop and maintain a written
11 emergency operations plan. This emergency operations plan
12 shall include, but not be limited to, all of the following:

13 (1) Facility preparation procedures to identify the location of
14 first aid supplies, secure all furniture, appliances, and other
15 free-standing objects, and provide instructions for operating gas
16 and water shutoff valves.

1 (2) *An inventory of neighborhood resources that shall include,*
2 *but not be limited to, the identification and location of all the*
3 *following nearby resources:*

4 (A) *Generators.*

5 (B) *Telephones.*

6 (C) *Hospitals and public health clinics.*

7 (D) *Fire stations and police stations.*

8 (3) *Evacuation procedures, including procedures to*
9 *accommodate those who will need assistance in evacuating the*
10 *center. This evacuation plan shall be located in an area that is*
11 *accessible to the public.*

12 (4) *Procedures to accommodate seniors, people with*
13 *disabilities, and other community members in need of shelter at*
14 *the senior center, in the event that other community facilities are*
15 *inoperable.*

16 (5) *Personnel resources necessary for postdisaster response.*

17 (6) *Procedures for conducting periodic evacuation drills, fire*
18 *drills, and earthquake drills.*

19 (7) *Procedures to ensure service continuation after a disaster.*

20 (b) *In the development of the emergency operations plans*
21 *required by this chapter, multipurpose senior centers and senior*
22 *centers shall coordinate with the Office of Emergency Services,*
23 *the local area agency on aging, as defined in Section 9006, and*
24 *other relevant agencies and stakeholders.*

25 ~~SECTION 1. Section 1584 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~1584. (a) An adult day health care center that provides care~~
28 ~~for adults with Alzheimer's disease and other dementias may~~
29 ~~install for the safety and security of those persons secured~~
30 ~~perimeter fences or egress control devices of the time-delay type~~
31 ~~on-exit doors.~~

32 ~~(b) As used in this section, "egress control device" means a~~
33 ~~device that precludes the use of exits for a predetermined period~~
34 ~~of time. These devices shall not delay any participant's departure~~
35 ~~from the center for longer than 30 seconds. Center staff may~~
36 ~~attempt to redirect a participant who attempts to leave the center.~~

37 ~~(c) Adult day health care centers installing security devices~~
38 ~~pursuant to this section shall meet all of the following~~
39 ~~requirements:~~

1 ~~(1) The center shall be subject to all fire and building codes,~~
2 ~~regulations, and standards applicable to adult day health care~~
3 ~~centers using egress control devices or secured perimeter fences~~
4 ~~and shall receive a fire clearance from the fire authority having~~
5 ~~jurisdiction for the egress control devices or secured perimeter~~
6 ~~fences.~~

7 ~~(2) The center shall maintain documentation of diagnosis by a~~
8 ~~physician of a participant's Alzheimer's disease or other~~
9 ~~dementia.~~

10 ~~(3) The center shall provide staff training regarding the use~~
11 ~~and operation of the egress control devices utilized by the center,~~
12 ~~the protection of participants' personal rights, wandering~~
13 ~~behavior and acceptable methods of redirection, and emergency~~
14 ~~evacuation procedures for persons with dementia.~~

15 ~~(4) All admissions to the center shall continue to be voluntary~~
16 ~~on the part of the participant or with consent of the participant's~~
17 ~~conservator, an agent of the participant under a power of attorney~~
18 ~~for health care, or other person who has the authority to act on~~
19 ~~behalf of the participant. Persons who have the authority to act~~
20 ~~on behalf of the participant include the participant's spouse or~~
21 ~~closest available relative.~~

22 ~~(5) The center shall inform all participants, conservators,~~
23 ~~agents, and persons who have the authority to act on behalf of~~
24 ~~participants of the use of security devices. The center shall~~
25 ~~maintain a signed participation agreement indicating the use of~~
26 ~~the devices and the consent of the participant, conservator, agent,~~
27 ~~or person who has the authority to act on behalf of the~~
28 ~~participant. The center shall retain the original statement in the~~
29 ~~participant's files at the center.~~

30 ~~(6) The use of egress control devices or secured perimeter~~
31 ~~fences shall not substitute for adequate staff. Staffing ratios shall~~
32 ~~at all times meet the requirements of applicable regulations.~~

33 ~~(7) Emergency fire and earthquake drills shall be conducted at~~
34 ~~least once every three months, or more frequently as required by~~
35 ~~a county or city fire department or local fire prevention district.~~
36 ~~The drills shall include all center staff and volunteers providing~~
37 ~~participant care and supervision. This requirement does not~~
38 ~~preclude drills with participants as required by regulations.~~

39 ~~(8) The center shall develop a plan of operation approved by~~
40 ~~the department that includes a description of how the center is to~~

1 ~~be equipped with egress control devices or secured perimeter~~
2 ~~fences that are consistent with regulations adopted by the State~~
3 ~~Fire Marshal pursuant to Section 13143. The plan shall include,~~
4 ~~but not be limited to, the following:~~

5 ~~(A) A description of how the center will provide training for~~
6 ~~staff regarding the use and operation of the egress control device~~
7 ~~utilized by the center.~~

8 ~~(B) A description of how the center will ensure the protection~~
9 ~~of the participant's personal rights consistent with applicable~~
10 ~~regulations.~~

11 ~~(C) A description of the center's emergency evacuation~~
12 ~~procedures for persons with Alzheimer's disease and other~~
13 ~~dementias.~~

14 ~~(d) An adult day health care center shall maintain an~~
15 ~~emergency evacuation plan, which shall include an alternative~~
16 ~~location where participants may be safely housed if the center~~
17 ~~becomes uninhabitable.~~

18 ~~(e) This section does not require an adult day health care~~
19 ~~center to use security devices in providing care for persons with~~
20 ~~Alzheimer's disease and other dementias.~~

21 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
22 ~~Section 6 of Article XIII B of the California Constitution because~~
23 ~~the only costs that may be incurred by a local agency or school~~
24 ~~district will be incurred because this act creates a new crime or~~
25 ~~infraction, eliminates a crime or infraction, or changes the~~
26 ~~penalty for a crime or infraction, within the meaning of Section~~
27 ~~17556 of the Government Code, or changes the definition of a~~
28 ~~crime within the meaning of Section 6 of Article XIII B of the~~
29 ~~California Constitution.~~